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AUTHOR Byrne, Cornelia
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ABSTRACT

In this age of limited resources, municipal courts scrutinize their library budgets with a view to maintaining adequate legal information sources and services at the lowest possible cost. Some courts relying on the authority of the Ohio Revised Code Section 2303.201 assess additional court costs to fund the acquisition and maintenance of computer-assisted legal research. This study develops a profile of single-judge municipal court libraries in Ohio in order to predict trends in the selection and acquisition of print materials and online research services. Eighty-six single-judge municipal courts were contacted, and 47 responded with returned questionnaires. Results provide a guide to courts seeking information necessary for improving their collections and services. Budgets were generally modest, and 10 percent of the courts deemed their legal information service less than adequate or poor. Typically, the libraries were not maintained by a librarian. Nine appendixes contain the 24-item study questionnaire, a list of one judge municipal courts in Ohio, the survey cover letter, and six figures illustrating the findings. (Contains 16 references.) (SLD)

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SURVEY OF SINGLE-JUDGE MUNICIPAL COURT LIBRARIES IN OHIO

A Master's Research Paper submitted to the
Kent State University School of Library and Information Science
in partial fulfillment of the requirements
for the degree Master of Library Science

by

Cornelia Byrne

November, 1992

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ABSTRACT

In this age of limited resources, municipal courts scrutinize their library budgets with a view to maintaining adequate legal information sources and services at the lowest possible cost. Some courts relying on the authority of Ohio Revised Code Section 2303.201 assess additional court costs to fund the acquisition and maintenance of computer assisted legal research.

This study develops a profile of single-judge municipal court libraries in Ohio with the hope of predicting trends in the selection and acquisition of print materials and online research services. Eighty-six single-judge municipal courts were contacted and forty-seven responded with returned questionnaires. The results of the survey provide a guide to courts seeking information necessary for improving their collections and services.

Master's Research Paper by

Cornelia Byrne

B.A., St. Mary's College, 1972

J.D., Cleveland State University, 1975

M.L.S., Kent State University, 1992

Approved by

Adviser Grey Byerly Date 11/18/92

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I. INTRODUCTION

Small municipal courts in Ohio face increasing budget restraints and must contain costs in the maintenance of their law library print collections with supplements, while also acquiring new materials. With the wider availability of computer assisted legal research (CALR), there exists a need for information upon which municipal courts may rely in deciding whether to acquire computer assisted legal research services and which print materials are essential to continue after the acquisition of such services.

Pursuant to Ohio Revised Code Section (O.R.C.) 1901.36, the legislative authority of a municipal court is charged with the duty of providing for the use of the court suitable accommodations for a law library, complete sets of reports of the supreme and inferior courts, and such other law books and publications as are considered necessary for the presiding judge, and a copy of the Revised Code for each courtroom. [1] The statute establishes, in part, minimum standards for a municipal court library collection. Funding for the court's library needs is provided by the governing body of the municipality which reviews and approves the court's budget requests. It is unclear whether funding for print materials only is contemplated pursuant to this

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[1] Page's Ohio Revised Code Annotated. Title 19, 1991 Supplement, Courts-Municipal-Mayor's-County (Cincinnati: Anderson Publishing Co., 1992), 37.

statutory authority.

Ohio Revised Code (O.R.C.) Section 2303.201 allows courts to charge additional court costs to finance the purchase and maintenance of computerized legal research. [2] The law is interpreted to authorize the purchase of computer equipment, software, furniture and the payment for services such as LEXIS and WESTLAW. This method of funding differs from the sort provided for in O.R.C. 1901.36, in that the court has the power to increase its revenue through imposing additional court costs with the goal of making specific purchases for court needs, thereby avoiding some of the constraints of the usual budgetary process. This statute gives courts a greater degree of control over funding the purchase of necessary service and equipment.

While O.R.C. 2303.201 grants more control to courts over funding concerns, it also represents an attempt on the part of the state legislature to shift more of the cost of providing for state courts from the taxpayers to the users of the courts who may or may not be the same population.

Based on the results of this survey, it was found that some court personnel are of the opinion that O.R. C. 2303.201 does not apply to municipal courts while others believe that the statute relates to municipal courts by way of the operation of O.R.C. 1901.26 which provides in pertinent part that a municipal court may establish fees which shall not exceed the fees and costs for a similar action in the

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[2] Page's Ohio Revised Code Annotated, Title 23, Courts-Common Pleas (Cincinnati: Anderson Publishing Co., 1991), 57-58.

court of common pleas. [3]

This lack of clearly stated authority granting municipal courts the right to charge such additional costs to fund computerization has been addressed in the state legislature. After the taking of the survey and while this paper was being written, a bill was passed on June 25, 1992, enacting a statute to become effective January 1, 1993, which specifically authorizes municipal courts to charge additional fees for both computer assisted legal research and computerization of the court records. [4]

It is outside the scope of this paper to consider the appropriateness of placing the burden of providing courts with the resources to acquire computer assisted legal research directly upon the users of the court. However, if legislative authorities or governing bodies such as city councils and boards of commissioners shift the entire responsibility upon court users to fund the acquisition and maintenance of computer assisted legal research through court costs, then those courts with a heavy volume of cases will have the capability to acquire access to such services much faster and more elaborately than those courts with a lesser volume of cases, regardless of need. By attempting to place the burden on court users for funding the acquisition and maintenance of CALR and thereby limiting purchases to

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[3] Page's Ohio Revised Code Annnotated, Title 19, 1991 Supplement, Courts-Muni-Mayor's-County (Cincinnati: Anderson Publishing Co., 1992), 25.

[4] Summarization of proposed HB 405, HB 631 and SB 246 per Ohio Judicial Conference, "Legislative Listing," Bill Board 2 (10 April 1992): 4-5 and O.R.C. Sec. 1901.261 per Baldwin's Ohio Legislative Service, September 1992 (Cleveland: Banks Baldwin Law Publishing Co.) 5-533.

the extent of the court costs collected, governing bodies may fail in their duty to properly provide for the court's legal information needs.

Objectives of this study were: 1) to develop a profile of a small municipal court's collection, 2) to determine whether information needs are being adequately met by materials held in court library collections and 3) to assess the effect of alternate means of funding for procuring and maintaining computerized legal research a) on meeting information needs, b) on the maintenance of the print collection and c) on the acquisition of online database services.

For the purposes of this study, the following assumptions were made: 1) small municipal courts have restricted budgets, 2) there is typically no court staff member formally trained in library and information science, and 3) a need exists for reliable information in the selection of print materials and online services.

While it may be true that the information needs of municipal courts are less critical than those of higher courts due to the limited jurisdictional amount in civil cases and the lesser degree of offenses in criminal matters, there is a greater likelihood of a citizen passing through the municipal court process by way of the traffic court or the Small Claims court than such higher courts.

II. LITERATURE REVIEW

Research on municipal court libraries has been an area of relative neglect among library and information scientists. The major focus has been on state supreme court libraries and larger county law libraries.

A literature review of English language sources was conducted to cover the period from 1980 to 1991. Geographic scope was limited to the

United States of America. The object of the review was to gather information on survey methodology, court law libraries and the existence of similar studies of court law libraries.

Library Literature was consulted under "surveys - law libraries," "law libraries - collections" and "law librarians." The same procedure was followed for the Index to Legal Periodicals wherein the topic was searched under "law libraries" and "legal research." ERIC on CD-ROM was searched under "law librarianship and research," "law library and survey," and "law libraries and collections."

In their article, "A Comprehensive Library Survey: The D.C. Experience," Speer and Oaks report that an American Association of Law Libraries committee identified the characteristics of an effective survey as follows: clear statement of goals, brevity, objective questions, adequate ranges, physical attractiveness and a cover letter emphasizing the benefit to the respondent. [5]

Although the subjects of her study were federal, appellate and supreme courts, Silvia A. Gonzalez' survey of court law libraries offered a helpful guide to forming an appropriate questionnaire. [6]

It is telling of the relative lack of statistical information concerning certain law libraries, that no nationwide survey of private law libraries as to space, automation, services, budget and finance was

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[5] Laura Speer and Robert Oaks, "A Comprehensive Library Survey: the D.C. Experience," Law Library Journal 78 (Winter 1986): 41-53.

[6] Silvia Gonzalez, "Court Law Libraries," Law Library Journal 74 (Spring 1981): 458-94.

taken until 1988. [7] Although the subjects of this study were private law libraries, the fact that the study was not made until 1988 tends to show that there has been very limited information gathering of this sort. The situation is even more pronounced in a government setting where the profit motive is not operating.

While dealing with law firm libraries and not court libraries, a review of Fritz Snyder's article, "The Impact of New Technologies on Law Library Acquisitions," was helpful in framing the issue of substituting online services for print materials. [8]

A review of the National Center for State Courts' Publications: A Complete Subject Listing was conducted for information concerning projects relating to court systems; the administration, operation and planning of the courts; and court technology. [9] References to information concerning county law libraries was located under the subject category of "court facilities and space management." Under the category of "technology," several citations were found concerning information systems for court records and one relating to a supreme court library.

Literature consisting of both articles and monographs was consulted for guidance in the preparation, administration and analysis of surveys.

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[7] Constance P. Dickson, "Private Law Library Survey 1988," Law Library Journal 82 (Winter 1990): 161-6.

[8] Fritz Snyder, "The Impact of New Technologies on Law Library Acquisitions," Legal References Service Quarterly 6 (Fall-Winter 1986): 159-68.

[9] National Center for State Courts, Publications: A Complete Subject Listing (Williamsburg, Virginia: National Center for State Courts, 1991).

An online literature search was conducted using the Dialog database in the following files: Legal Resource Index, Dissertation Abstracts and ERIC.

Lastly, after the return of the completed questionnaires, Legaltrac was searched under "one judge municipal court libraries," "survey of municipal court libraries" and "municipal court libraries" for the period beginning in 1980 and ending June, 1992. Numerous citations were located under "municipal court," but the vast majority were basically feature type articles concerning judges. One reference was found to a directory listing some California municipal courts and their facilities including libraries. [10]

After a thorough literature search using both print sources and on-line services as described above, while some interesting material was discovered, no reports of studies concerning this particular topic were found. However, associations such as the American Association of Law Libraries through their special interest sections such as the State, Court & County Law Libraries frequently conduct informal surveys of their membership regarding professional concerns. For example, Mary Miles Prince conducted an informal survey of state court libraries which was published in that section's newsletter. [11]

Outside the literature search process, this writer in her readings came upon a delightful article by Ruth Levor who ably pointed out while LEXIS and WESTLAW are the best known and most popular, they are by no

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[10] Los Angeles Daily Journal, Vol. 101, July 1988 p. S53 (805).

[11] Mary Miles Prince, "An Informal Survey of State Court Libraries," State, Court & County Law Libraries 17 (Spring 1991): 5-8.

means the only online databases for legal research. Ms. Levor mentioned Hannah and Gongwer as two services which track Ohio and federal legislation. [12] The categories for print materials were developed using a bibliography and guide provided by the Ohio Regional Association of Law Libraries and Ohio Library Association. [13]

III. METHODOLOGY

The research design consists of the survey method. The questionnaire (Appendix A) developed by this writer was distributed by mail to all eighty-six single-judge municipal courts in the State of Ohio identified as such by the Supreme Court of Ohio. [14] A complete list of single-judge municipal courts in Ohio appears in the Appendices (Appendix B). A cover letter explained the purpose of the study (Appendix C). To ensure a favorable response rate, a self-addressed, stamped envelope accompanied the questionnaire. The judge of the respective court determined whether to answer the questionnaire or to delegate the task to a member of his or her staff. The survey was tested in December of 1991, by a number of attorneys. Kent State University School of Library Science faculty also reviewed the form. After revisions, the questionnaire was mailed on February 11, 1992, with a requested return date of February 25, 1992.

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[12] Ruth Levor, "Looking for Law in All the Wrong Places," Ohio Trial 3 (Spring 1992): 13-27.

[13] Ohio Regional Association of Law Libraries and Ohio Library Association, Ohio Legal Resources: An Annotated Bibliography and Guide (Columbus: Ohio Regional Association of Law Libraries and Ohio Library Association, 1990), 1-4.

[14] The Supreme Court of Ohio, Annual Report 1990 (Columbus, Ohio: The Supreme Court of Ohio, 1991).

Participants were assured that their identities would remain anonymous. No court is identified by name in this paper. To aid the researcher in following up on responses and minimize expenses by supplying copies only to those parties truly interested in the results, the participants were requested to supply their names and addresses in order to receive a copy of the report.

Areas of concern explored in the questionnaire included: planning and development of the court library; procurement of computerized legal research service; and future plans, if any, for the cancellation of print materials due to the acquisition of online legal reference services. In addition, information was solicited about current print holdings by type: statutes and codes, regional and federal miscellaneous sources, and legal periodicals and law reviews.

IV. SURVEY RESULTS

Approximately 54% (47 questionnaires returned from 86 courts contacted) of the courts returned the questionnaires mailed by the researcher. All surveys were received by May 4, 1992. One survey was returned unanswered.

A. BACKGROUND INFORMATION

The identity of the respondent was required by job title only. Of the 47 returned questionnaires, 45 respondents identified who was answering. Approximately 75% of the respondents identified themselves as judges. Four clerks of court, two bailiffs, one county law librarian, two administrative assistants, one judge's secretary and one referee comprised the identities of the remaining respondents.

When asked do you maintain a law library within the court facility proper, 89% answered "yes" (Figure 1, Appendix D). For those maintaining a law library within the court facility proper the median number of volumes held in a collection was 653. The holdings ranged from a low of 25 volumes to a high of 2,000 volumes. Ten responses to this question were either incomplete or obviously answered incorrectly as determined by the lack of consistency with answers to succeeding questions (Figure 2, Appendix E).

Question four of the survey asked respondents to estimate how much money the court spent on an annual basis in maintaining its library. After eliminating those courts which either do not maintain a library within the court or do not pay for its library and those answers which were clearly in error when related to holdings or otherwise incomplete, the median spent by a court on an annual basis was $3,889.55 ($85,570.00 divided by 22). The amount expended for the court law library ranged from an approximate low of $1,000.00 to an approximate high of $11,000.00. Figure 3 illustrates the dollar amounts expended for library maintenance and acquisition as expressed in ranges of $2,500 each (Appendix F). The greatest number of courts fell within the $2,501 to $5,000 range.

With regard to those courts which do not maintain a law library within the court facility proper, five of those six courts in that category obtained their legal information from county law libraries either located in the same building complex or at a nearby county court house. One respondent indicated that the court used the judge's private law library. Further, four such courts responded that they had no plans

to establish a library in the next year.

According to the survey results, in an overwhelming majority of the courts, the judge performs the majority of legal research. Out of 41 courts with libraries, 38 provided answers to a question asking the identity by job title only of the person performing the majority of legal research. Thirty-four courts responded by stating that the judge performed the majority of the research. Two courts answered "referees." Another court indicated that the law clerk performed the majority of the legal research for the court and finally, one court indicated that the law clerk and the judge shared the legal research duties. Figure 4 appearing at Appendix G illustrates the distribution of the thirty-eight responses.

After eliminating from the calculations those courts which do not maintain libraries and in view of the preceding answers, it was not surprising to find that in all courts reporting the judge is the person primarily responsible for the selection of legal information sources used by the court. However, two courts indicated that the selection of sources was shared by the judge and the clerk of courts. One court indicated that selection duties were shared among the judge and the referees.

In forming the research proposal on which this study is based, it was assumed that there is typically no court staff member formally trained in library and information science who is also involved in the maintenance of the court library. With the exception of this writer's own court, no court reported anyone on the staff with a library science background. The job title of the one person possessing a background in

library science was referee. However, one court indicated that the judge's spouse held a M.L.S.

When asked how to evaluate the level of legal information service in their court, 18% indicated excellent service, 31% indicated good service, 41% indicated adequate service, 2% indicated adequate to poor service and 8% indicated poor service. With 10% of the reporting courts evaluating their legal information service as less than adequate, clearly there is a need for improvement.

B. PRIMARY SOURCES

With regard to primary sources, such as statutes, rules and judicial reports, those courts which maintain libraries reported as follows: 93% owned Page's Ohio Revised Code, 34% owned Baldwin's Ohio Revised Code and 34% owned Baldwin's Legislative Service. Few courts possess sources for federal statutes with only 5% owning the U.S. Code Service. Page's Ohio Revised Code Annotated subscribers receive monthly legislative, annotation and court rules bulletins as part of their annual subscription to the code.

A majority of courts possessed legislative services which are updated on a monthly basis concerning changes in state law and providing annotations directing researchers to cases interpreting state law. Small municipal courts have a limited need for copies of federal code. A small municipal court library typically contains a copy of the state statutes and a current legislative service but no copy of the federal code.

Ownership of sources for agency rules and regulations was also limited to only a few courts. The Ohio Administrative Code was owned by

20% while the Ohio Monthly Record was held by 7% of the courts. The low percentage of ownership by respondents indicates a very limited need for such information.

Predictably, ownership of Ohio case reports was stronger than ownership of U.S. case reports. Seventy-one percent of courts maintaining their own libraries possessed the Ohio State Reports, 61% possessed the Ohio Official Cases, 54% possessed Ohio Bar Reports, 17% possessed Northeastern Reporter, 34% possessed the Ohio Appellate Reports 2d, 27% possessed the Ohio Miscellaneous Reports, 46% possessed Ohio State Reports 3d, 56% possess Ohio Opinions, 10% possessed Ohio Cases, N.E., 37% possessed Ohio Appellate Reports, 17% possessed Ohio Appellate Decisions Index, and 7% possessed American Law Reports Annotated. When asked to indicate any other sources of Ohio judicial reports in their collections, two courts reported owning Ohio Law Abstracts.

These figures show that small municipal courts for the most part are maintaining their collections of Ohio case reports. The survey results offer no clear indication as to a strong preference for one publisher over another. In view of the small percentage of courts reporting ownership of American Law Reports Annotated, its inclusion in a collection is apparently not considered essential.

As illustrated by Figure 5 which illustrates ownership of primary sources by courts in percentages, an overwhelming majority of small municipal courts with libraries owned copies of the Ohio Revised Code and a substantial majority owned copies of the Ohio case reports. However, only a few courts owned copies of the state agency rules and

regulations and fewer still owned copies of the federal code (Appendix H).

Ownership of judicial reports of federal courts was slight: 5% owned U.S.Reports, 16% owned U.S. Supreme Court Reporter, 5% owned Federal Reporter 2d, 5% owned Federal Supplement, 5% owned U. S. Law Week, 10% owned U.S.Supreme Court Reports, Lawyers Ed., 7% owned U.S. Supreme Court Bulletin and only one court held the Federal Rules Decisions. The foregoing percentages tend to show that small municipal courts have an extremely limited need for federal reporters.

C. SECONDARY SOURCES

Secondary sources such as digests which are subject guides to the law reports, were held by 34% of the respondents. Examples of digest holdings include: West's Ohio Digest and U.S. Supreme Court Digest. In contrast to digest holdings, the majority (70%) of courts subscribed to Shephard's Ohio Citations. Courts most commonly receive supplements to the citations on a monthly basis. It is fair to say that Shephard's Ohio Citations is considered by most small courts as an indispensable part of the collection.

Other forms of secondary sources are encyclopedias and dictionaries. A breakdown of ownership is as follows: 10% held Ballentine's, 16% held American Jurisprudence 2d, 73% held Ohio Jurisprudence 3d, 56% held Black's, 10% held Bouvier's and 22% held Ohio Jurisprudence 2d. The strong showing of ownership of Ohio Jurisprudence 3rd and Black's indicates that they are considered by most as a very important parts of the collection. It is important to note that Ohio Jurisprudence 2nd has been supplanted by Ohio Jurisprudence 3rd.

Other dictionaries and encyclopedias held by respondents include: one court held Corpus Juris Secundum, another court held Baldwin's Revision Law Dictionary, two held Webster's 3rd International, two held Webster's Unabridged and one holds Funk and Wagnall's. The sparse ownership of these miscellaneous items shows that there is limited need for such sources.

D. MISCELLANEOUS SOURCES

With regard to miscellaneous sources of legal information including but not limited to handbooks and form books, handbooks on civil and criminal procedure were most popular. Fifty-six per cent of the courts held Anderson's Ohio Criminal Practice and Procedure while 37% held Anderson's Ohio Civil Practice. Sixty-six per cent held Trial Handbook for Ohio Lawyers 3d ed. Shroeder-Katz Ohio Criminal Law was held by 34%. Weissenberger Ohio Evidence was held by 54%. Baldwin's Ohio Civil Practice was held by 34%. These findings show a slightly higher participation in ownership of criminal practice manuals over civil practice manuals. Based upon the high percentage of courts holding Anderson's Ohio Criminal Practice and Procedure, Trial Handbook for Ohio Lawyers 3d ed. and Weissenberger Ohio Evidence, it is suggested that they are considered basic to a court law library collection.

A few courts held ALR 3rd (15%), ALR Later Case Service (13%), ALR 4th (13%), ALR Federal (10%), Martindale-Hubble Directory (18%), Ohio Jury Instructions (15%) and Swartz Comparative Negligence 2d ed (15%).

The subject courts were not asked to furnish reasons for holding or not holding certain titles, so it was impossible to determine with

certainty the motivations behind the collections. One is left to guess that the decision not to purchase a title was based upon a combination of factors such as lack of need or cost. In the case of Ohio Jury Instructions with its demonstrated utility and overall quality, this writer was very surprised to learn that only six courts listed it as a miscellaneous source important to their collections.

Three courts reported holding Ohio Traffic Handbook as an important part of their collection. Individual copies of the following titles were held: Ohio Evidence Court Room Manual, Baldwin's Ohio Rules of Evidence, Physician Desk Reference, A.L.I. - Modern Penal Code, Ohio Arrest, Search and Seizure, Granelli Ohio Evidence Manual, Ohio Attorney General Opinions, Ohio Corporation Law and Ohio Forms of Practice and Procedure. The limited ownership of these titles tends to show that they are not considered essential to a small municipal court's library.

E. PERIODIC LITERATURE

Use of periodic literature was slight: 20% subscribed to Judge's Journal, 12% to State Court Journal, 37% to Ohio Trial, 12% to ATLA Advocate, 20% to Criminal Law Journal of Ohio, 32% OACDL Vindicator, 22% to Ohio Lawyer and 15% to Judicature. Two courts each, but not necessarily the same two courts in every instance, reported subscribing to Court Review, Case and Comment, Criminal Law Reports and Public Defender Reporter. Responses indicate one subscription each for ATLA Reporter, Criminal Justice Newsletter, Law Reporter, Supreme Court Bulletin, Justice Bulletin and ALA Management.

Most telling was the percentage of court libraries which do not subscribe to any periodicals at all. Thirty-seven per cent (37%) of the

courts reported not receiving any of the periodicals specified in question #17 and did not report any title not listed which was part of their library. Actually, these percentages are possibly somewhat inflated by the fact that some publications are received by reason of membership in a professional organization.

Law reviews are not popular sources of information in single-judge municipal courts. Out of 41 courts which maintain libraries, only six subscribed to law reviews. Six courts left the question regarding law review subscriptions blank. Twenty-eight courts answered "no", when asked if they subscribed to any law reviews. Of the six courts receiving law reviews, one court received both the University of Akron and The Ohio State University publications. Three courts received the Cleveland State University Law Review. One court each received the reviews from the University of Cincinnati and Capital University and the Georgetown Special Edition Constitutional Review. These low percentages of subscriptions to law reviews indicate a low interest in including them as part of the collection on an ongoing basis, however, the survey was not structured in such a way as to measure the use of such publications whether owned or not.

F. COMPUTER-ASSISTED LEGAL RESEARCH

When asked if the clerk of court collected court costs, per O.R.C. 2303.201 to fund the acquisition and maintenance of computer-assisted legal research (CALR), thirteen courts (or 32%) of the 41 responding courts which maintain law libraries within the court facility proper reported doing so. However, of these thirteen courts, only six reported having acquired computers to access computer-assisted legal research.

Further, of the six courts who reported having acquired the necessary equipment, only three courts indicated using a database such as LEXIS and WESTLAW. Two courts used WESTLAW and the remaining court used LEXIS.

It is interesting to note that one court which does not maintain a law library within the court facility proper reported collecting additional court costs to fund CALR but has not yet acquired computers to access it.

Additionally in those 28 courts which do maintain on-site libraries but do not collect court costs for CALR, eight courts reported having acquired computers to access CALR. However, only three courts of these eight are using LEXIS or WESTLAW. One court used LEXIS and the others used WESTLAW. Presently, LEXIS waives its monthly subscription fee for state courts mentioning a contract with the Supreme Court of Ohio. [15] In a similar arrangement, WESTLAW waives its subscription fees. The waiver of subscription fees represents a combined savings of approximately $175.00 per month and makes the prospect of using such services virtually a "no risk" proposition. That is, a court basically pays only for the actual use of the service.

One respondent specifically noted that "O.R.C. 2303.01 applies expressly to Common Pleas Courts" when answering "no" to question #19. With the exception of this one respondent, no other court expressed this opinion and therefore, this writer concludes that only one court has refrained from seeking this type of funding for computerized legal

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[15] The Supreme Court of Ohio Administrative Bulletin, November 1, 1991, Columbus, Ohio.

research by reason of a perceived lack of statutory authority. As mentioned earlier in this paper, this statutory difficulty has been remedied by the enactment of O.R.C. 1901.261 which takes effect on January 1, 1993, and which clearly authorizes the funding of computerized legal research services for municipal courts who may charge an additional fee for the filing of each cause of action or appeal.

No court currently using computer-assisted legal research reported cancelling any publication because they were supplanted by an online source.

Twenty-two courts who maintain their own libraries responded with comments to question #22 which asked "if you do not have computers capable of accessing CALR when do you intend to acquire them, if ever?"

There was no clear pattern of responses established by the answers to the above question. However as illustrated by Figure 6, eight of these twenty-two courts intended to computerize their legal research in the near future (Appendix I). However, five other courts were emphatically negative in their responses with absolutely no plans to computerize. One court was of a mind to wait and see what kind of funding might develop. This researcher interpreted that response as meaning that the court had future plans to computerize. Four courts responded that the question was not applicable to their situation. "Unknown" was the response of the remaining four courts. While many small municipal courts with libraries plan to computerize, a sizable minority have absolutely no plans to acquire CALR. The results of this study tend to show that while computerization is a part of many courts' information agendas, a nearly equal number of courts do not consider it

a priority.

Despite the fact that there is no charge for using the Supreme Court Research On-line Law Library (SCROLL) services, [16] none of the responding courts used SCROLL. However, two courts indicated they plan to do so. Given the extremely limited interest in SCROLL even among those courts which currently have the equipment to access it, cost cannot be the determining factor in all cases of acquiring additional services.

G. GENERAL COMMENTS

At the end of the survey, the respondents were given the opportunity to convey anything about their libraries that wasn't covered in the survey. The following are some of the general comments:

- Hopefully, legislation will be passed allowing municipal courts to add the CALR.
- At some point, the court will link up with LEXIS and WESTLAW.
- The court has computers but does not have the necessary modem to access CALR.
- The state should take the lead in development of court computer software for local courts.
- "Part-time court" - CALR would be nice, could use help with costs, etc.
- As earlier stated, I hope to have computer research this year (1992) or next year (1993). However, with the county law library 15-20 minutes away and open 24 hours a day, that allows the court to maintain a smaller library.

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[16] Daily Legal News (Cleveland), 9 August 1990.

The above comments tend to show that while most court personnel believe the use of CALR would be a positive addition to the court's information resources, the courts are reluctant to make such a acquisition a priority and that they look to alternate means of financing such as user fees rather than including it in their court budgets. Many small municipal courts including those which maintain their own libraries are well pleased by the services available through their county law libraries and rely on them to supplement the resources held in their own collections.

V. SUMMARY

The results of this study show that while most respondents are satisfied with the level of legal information service in their courts, the level of satisfaction could be improved upon, in view of the 10% who deem their service less than adequate or poor. The results further show that the majority of legal research and the selection of legal information materials is performed by the judge.

Budgets for in court law libraries appear to be modest with an approximate range of $1,000 to $11,000 being spent on an annual basis, with a median expenditure of $3,889.55. The median number of volumes held in a collection was 653 with the number of holdings ranging from a low of 25 volumes to a high of 2,000 volumes.

Approximately one out of ten single-judge municipal courts do not maintain law libraries but rather use the county law library and do not plan to establish libraries of their own. The assumption that typically no one on the court staff who is involved in the maintenance of the court library has a background in library science was confirmed.

Regarding collection concerns, ownership of sources of state statutes was strong with Pages' Ohio Revised Code being the clear favorite, while ownership of sources of the federal code was extremely limited. Likewise, ownership of Ohio case reports was strong but ownership of reports of federal court cases was very slight. Less than half of those courts maintaining law libraries reported owning digests. Subscriptions to citators were heavy at 70%

Ownership of encyclopedias appears to be moderate; however, Ohio Jurisprudence 3rd was reported owned by a substantial majority. Miscellaneous sources of information such as handbooks and form books were very popular with a greater degree of ownership of criminal practice guides as opposed to civil practice guides.

Single-judge municipal courts subscribe on an extremely limited basis to periodical literature. A sizable minority of such courts receive no periodicals. Law reviews are likewise not popular sources.

As to the acquisition and maintenance of computer assisted legal research, a significant minority (32%) of small courts which maintain on-site libraries currently collect additional court costs for CALR. However, only half of those courts which collect such fees possess the necessary equipment and among those with equipment only half use an online database. Some courts, which do not fund CALR with court costs, do possess computer equipment but of these courts only three use LEXIS or WESTLAW.

In view of the responses, it is impossible to predict a trend with regard to the cancellation of print sources due to acquiring online sources.

The recurring theme of the responses was budgetary concerns. A possible subject for future study is the appropriateness of user fees such as court costs for the purchase of court necessaries such as books, equipment and furniture which may be properly provided for out of the general fund which is raised in part, by taxes.

In order to manage the data more efficiently, the population could be limited to single-judge municipal courts where the legislative authority is a municipal corporation, thereby eliminating the county municipal courts which have different methods of funding and governance. In a later survey, more information could be gathered concerning caseloads as related to collection sizes and budgets, training for computer assisted legal research and the cancellation of print materials upon acquiring computer access.

With the clear authority of O.R.C. 1901.261 specifically allowing municipal courts to charge additional court costs to fund the computerization of its information functions, it is expected that small municipal courts will increasingly rely on computer assisted legal research. It is not readily apparent to what extent print collections will be effected by the infusion of funding by way of court costs earmarked for CALR only.

Based upon the findings that relatively few courts currently impose court costs to fund CALR and that a lesser number of courts use CALR, the state of computerization of legal research in small municipal courts is in its infancy. It remains for future studies to track CALR as it reaches maturity in the small municipal courts.

VI. APPENDICES

ONE JUDGE MUNICIPAL COURT LIBRARIES SURVEY

Please complete this questionnaire and mail it by February 25, 1992, to: Cornelia Byrne, 2360 Loyola Road, University Heights, Ohio 44118.

By completing and returning this questionnaire, it is implied that you have consented to participate in this study. The last page contains space for additional comments. If you wish to receive a copy of my research paper, please provide me with your name, name of the court and the court's address.

1. Who is answering this questionnaire? Check the correct job title:

___ Judge
___ Referee
___ Administrative assistant
___ Paralegal
___ Law clerk
___ Other: _____

2. Do you maintain a law library within the court facility proper?

___ yes ___ no

3. If your anser to #2 is "yes" approximatley how many volumes are contained in your collection? Please count each volume in a multi-volume set as one volume eg O Jur 3d has 93 volumes. Approximate number of volumes: _____

4. On an annual basis, how much money does the court spend in maintaining its library? If, necessary, please approximate to the nearest hundred: _____

5. If you do not maintain a court library, where do you obtain your legal information? Please describe by name of institution, location and distance from court: _____
_____

6. If the court has no library, do you have plans to establish one within the next twelve months? Are there any conditions which must be met before this is possible such as funding, space considerations and staffing needs? After answering, please go on to question #19.
_____
_____
_____

7. Please identify by job title only the person who performs the majority of legal research for the court: _____

8. Please identify by job title only the person primarily responsible for the selection of legal information sources used by the court:

_____

9. Is there anyone on the court staff with a background in library science who is also involved in the maintenance of the court library?

___ yes ___ no

ONE JUDGE MUNICIPAL COURT LIBRARIES SURVEY
continued

10. If your answer to question #9 was "yes", please describe this person by job title and the nature of his/her duties in connection with the library:

_____

_____

11. How would you evaluate the level of legal information service in your court? Please circle one:

Excellent Good Adequate Poor Don't know

12. Please describe your collection by checking the space to the left of the title if the publication is currently held.

___ Page's Ohic Revised Code
___ Baldwin's Ohio Revised Code
___ Baldwin's Legislative Service
___ Other sources of statutes: _____

___ U.S. code
___ U.S. Code Annotated
___ U.S. Code Service

___ Ohio Administrative Code
___ Other sources of agency rules: _____

___ Ohio Monthly Record

___ Ohio State Reports
___ Ohio Official Cases
___ Ohio Bar Reports
___ Northeastern Reporter
___ Ohio Appellate Reports 2d
___ Ohio Miscellaneous Reports
___ Other sources of Ohio judicial reports in your collection:

_____

___ Ohio State Reports 3d
___ Ohio Opinions
___ Ohio Cases, N.E.
___ Ohio Appellate Reports
___ Ohio Appellate Decisions Index
___ American Law Reports Annotated

___ U.S. Reports
___ U.S. Supreme Court Reporter
___ Federal Reporter
___ Federal Reporter 2d
___ Federal Supplement
___ Other sources of federal judicial reports: _____

___ U.S. Law Week
___ U.S. Supreme Court Reports, Lawyers Ed.
___ U.S. Supreme Court Bulletin
___ Federal Rules Decisions

_____

13. Does your library contain digests? ___ yes ___ no

If "yes", which ones? _____

_____

ONE JUDGE MUNICIPAL COURT LIBRARIES SURVEY
continued

14. Do subscribe to Shepard's Ohio citations? ___ yes ___ no

If "yes", how often do you receive supplements? _____

15. Please describe the dictionaries and encyclopedias in your collection by checking the space to the left of the title.

___ Ballentine's
___ American Jurisprudence 2d
___ Corpus Juris Secundum
___ Ohio Jurisprudence 3d
___ Black's
___ Bouvier's
___ Ohio Jurisprudence 2d
___ Other dictionaries and encyclopedias held by the court: ___

_____

_____

16. The following is a list of miscellaneous sources of legal information. Please check the titles your library holds.

___ ALR 3d
___ ALR Later Case Service
___ Sutherland Statutory Construction
___ Shroeder-Katz Ohio Criminal Law
___ Baldwin's Ohio Civil Practic
___ Anderson's Ohio Criminal Practice and Procedure
___ Trial Handbook for Ohio Lawyers 3d ed.
___ Swartz Comparative Negligence 2d ed.
___ ALR 4th
___ ALR Federal
___ Weissenberger Ohio Evidence
___ Anderson's Ohio Civil Practice
___ Martindale-Hubble Directory

___ Other sources not listed above but important parts of your collection:

_____

_____

17. The following is a list of legal periodicals. Please check the space next to the titles the court receives. Please report any major titles not listed which are a part of your library.

___ Judge's Journal
___ State Court Journal
___ Ohio Trial
___ ATLA Advocate
___ Criminal Law Journal of Ohio
___ OACDL Vindicator
___ ATLA Reporter
___ Criminal Justice Newsletter
___ Other legal periodicals: _____
___ Trial
___ Court Review
___ Case and Comment
___ NIJ Reports
___ Ohio Lawyers
___ Lawyers Alert
___ Judicature

ONE JUDGE MUNICIPAL COURT LIBRARIES SURVEY
continued

18. Do you subscribe to any law reviews?If so, which ones?

_____

19. Does your clerk of court collect money as part of court costs per O.R.C. 2303.201 to fund the acquisition and maintenance of computer assisted legal research? ___ yes ___ no

If your clerk does collect such funds, have you acquired computers to access computer assisted legal research (CALR)? ___yes ___ no

If your answer to the immediately preceding question is "yes" which online database service do you use eg LEXIS or WESTLAW?

_____

20. In the event that your clerk does not collect a fee for CALR, has the court acquired computers to access it? ___ yes ___ no

Please name the services you use,if any: _____

21. If your court has CALR, which publications were cancelled because they were supplanted by an online source. Please list:

_____

22. If you do not have computers capable of accessing CALR when do you intend to acquire them, if ever?

_____

23. Does your court make use of the Supreme Court Research Online Law Library (SCROLL)? ___ yes ___ no

24. Is there anything you'd like to convey about your court library or plans for the library that wasn't covered in the foregoing survey? Please note your comments below. If additional space is necessary, please use a separate sheet.

_____

_____

_____

For those requesting a copy of my research paper: Please complete the following with your name, name of court and address.

_____

_____

Listing of One Judge Municipal Courts in Ohio

Alliance Municipal Court
Ashland Municipal Court
Ashtabula Municipal Court
Athens Municipal Court
Auglaize County Municipal Court
Avon Lake Municipal Court
Bellefontaine Municipal Court
Bellevue Municipal Court
Bowling Green Muncipal Court
Bryan Municipal Court
Cambridge Municipal Court
Campbell Municipal Court
Celina Municipal Court
Champaign County Municipal Court
Chardon Municipal Court
Circleville Municipal Court
Cleveland Heights Municipal Court
Conneaut Municipal Court
Coshocton Municipal Court
Crawford County Municipal Court
Defiance Municipal Court
Delaware Municipal Court
East Cleveland Municipal Court
East Liverpool Municipal Court
Eaton Municipal Court
Euclid Municipal Court
Fairborn Municipal Court
Fairfield Municipal Court
Findlay Municipal Court
Fostoria Municipal Court
Franklin Municipal Court
Fremont Municipal Court
Gallipolis Municipal Court
Girard Municipal Court
Hamilton Municipal Court
Harden County Municipal Court
Hillsboro Municipal Court
Hocking County Municipal Court
Huron Municipal Court
Ironton Municipal Court
Jackson County Municipal Court
Lakewood Municipal Court
Lawrence County Municipal Court
Lebanon Municipal Court
Lyndhurst Municipal Court
Madison Municipal Court

Marietta Municipal Court
Marion County Municipal Court
Marysville Municipal Court
Mason Municipal Court
Maumee Municipal Court
Medina Municipal Court
Mentor Municipal Court
Miamisburg Municipal Court
Middleton Muncipal Court
Mt. Vernon Municipal Court
Napoleon Municipal Court
Newton Falls Municipal Court
Niles Municipal Court
Norwalk Municipal Court
Oakwood Municipal Court
Oberlin Municipal Court
Oregon Municipal Court
Painesville Municipal Court
Perrysburg Municipal Court
Port Clinton Municipal Court
Portage County Municipal Court-Kent
Sandusky Municipal Court
Shaker Heights Municipal Court
Shelby Municipal Court
Sidney Municipal Court
South Euclid Municipal Court
Steubenville Municipal Court
Struthers Municipal Court
Sylvania Municipal Court
Tiffin Municipal Court
Upper Sandusky Municipal Court
Van Wert Municipal Court
Vandalia Municipal Court
Vermilion Municipal Court
Wadsworth Municipal Court
Washington C.H. Municipal Court
Willoughby Municipal Court
Wilmington Municipal Court
Xenia Municipal Court
Zanesville Municipal Court

CORNELIA BYRNE
2360 Loyola Road
University Heights, Ohio 44118

February 11, 1992

Dear Judge:

I am studying library and information science at Kent State University. The school has approved my research project in the area of one judge municipal court libraries. Your court has been identified as a subject for this survey.

Please find enclosed a questionnaire for completion by yourself or a member of your staff. In order to meet the deadlines for submitting my report, would you be so kind as to mail the completed survey by **February 25, 1992.**

The purpose of this survey is to develop a profile of municipal court libraries and an insight into those materials and services essential to providing adequate legal reference. A report of my findings will be prepared. My hope is that this paper will serve as a guide in forming selection and acquisition policy and as a reference source for courts involved in the budget process before their respective communities.

By completing the survey, you consent to being a subject of the study. Of course, you may stop answering questions at any time. Regardless of your decision to participate or not, you will not be subjected to any penalty of any kind. No one court will be identified in my research paper by name. However, if you'd like a copy of the report, I'll need your name and address for forwarding the same.

With your help, sufficient responses will be received to form a valid description of information sources and services and what may lie ahead in the area of computer assisted legal research.

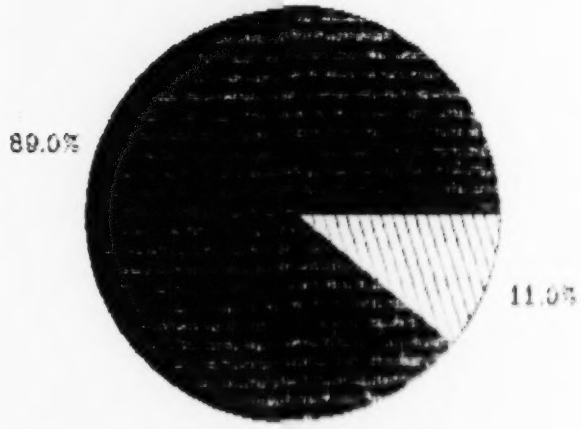
If you should have any questions, please do not hesitate to call me at work: (216) 491-1326 from 8:30 a.m. to 3:15 p.m. weekdays. My faculty advisor is Dr. Greg Byerly. His phone number at the library school is (216) 672-2782. Your cooperation is sincerely appreciated.

Very truly yours,

Cornelia Byrne

Enclosures

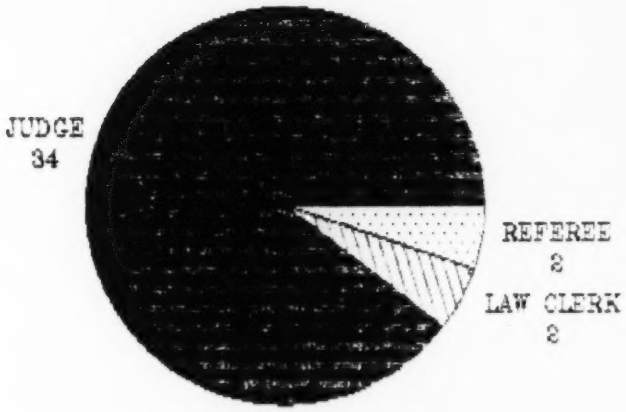
SMALL COURTS WITH LAW LIBRARIES



Amounts expressed in percentages

Figure 1

PRIMARY RESEARCHER

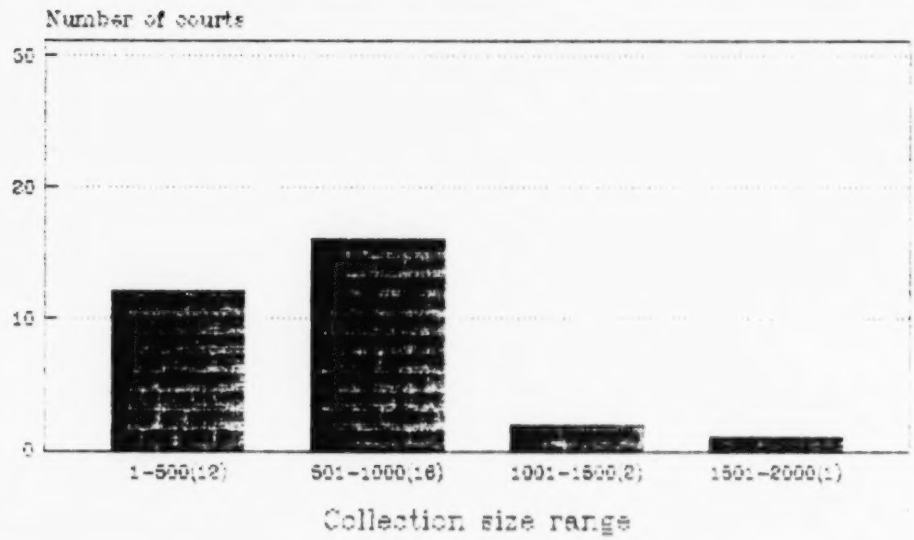


Identified by Job Title

Figure 2

Appendix E - Page 33

COLLECTION SIZE
For Courts with Law Libraries

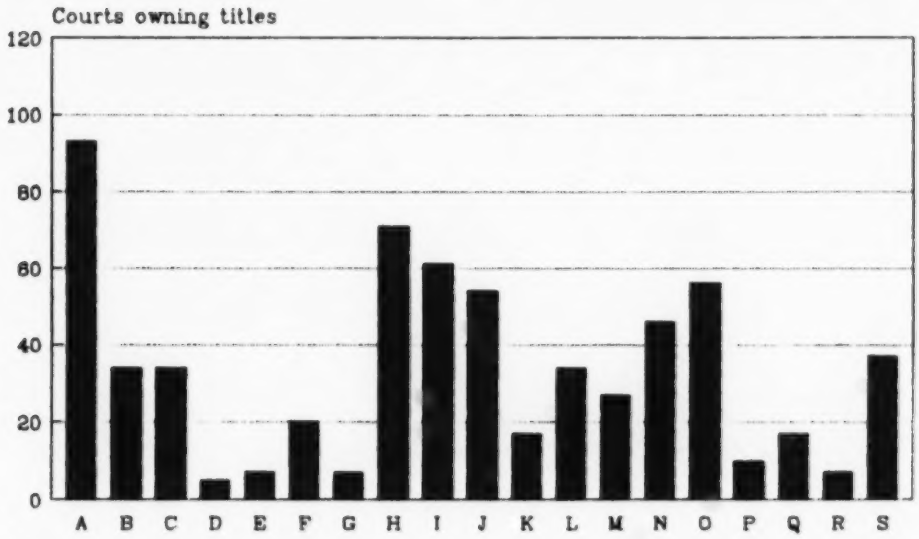


Volume numbers expressed in ranges

Figure 3

SELECTED PRIMARY SOURCES

See Key for Source Titles



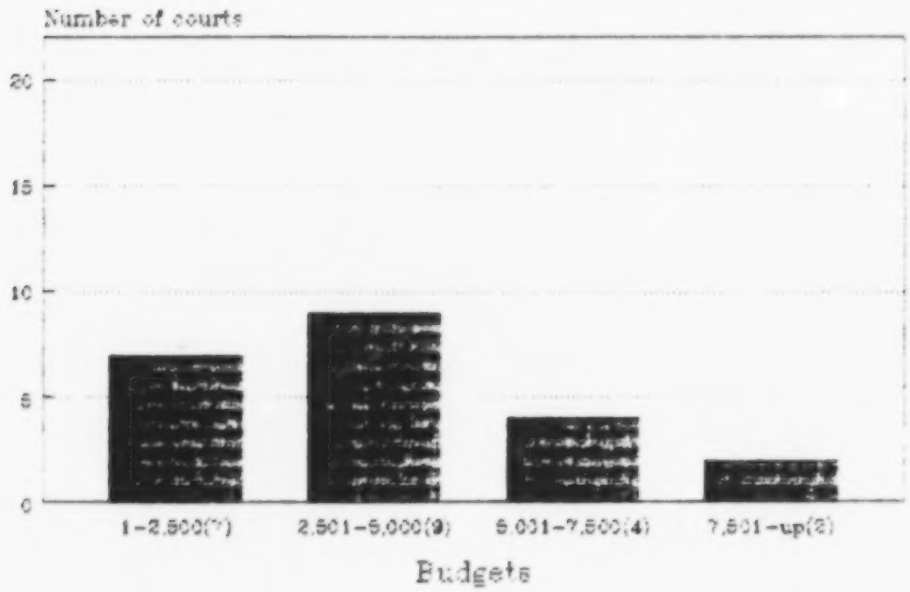
Amounts expressed in percentages.

Key for Source Titles

A. Page's Ohio Revised Code
B. Baldwin's Ohio Revised Code
C. Baldwin's Legislative Service
D. U.S. Code Service Annotated
E. U.S. Code Service
F. Ohio Administrative Code
G. Ohio Monthly Record
H. Ohio State Reports
I. Ohio Official Cases
J. Ohio Bar Reports
K. Northeastern Reporter
L. Ohio Appellate Reports 2d
M. Ohio Miscellaneous Reports
N. Ohio State Reports 3d
O. Ohio Opinions
P. Ohio Cases, N.E.
Q. Ohio Appellate Decisions Index
R. American Law Reports Annotated
S. Ohio Appellate Reports

Figure 4

SMALL COURT LIBRARY BUDGETS



Dollar amounts expressed in ranges

Figure 5

Appendix H - Page 36

PLANS TO COMPUTERIZE RESEARCH

Figures from 22 Responding Courts

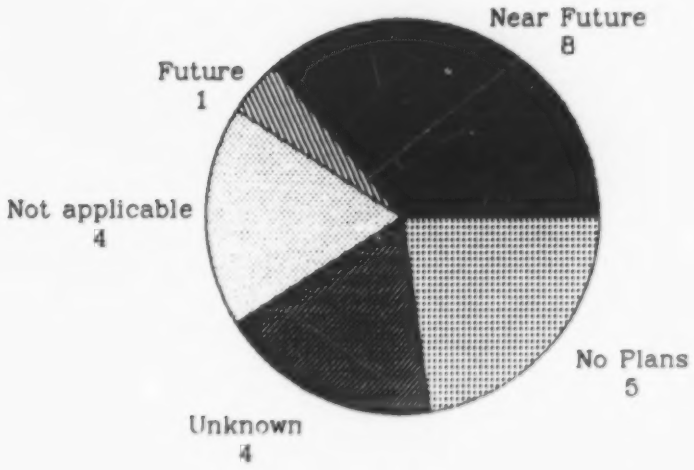


Figure 6

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